

Message Text

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C O N F I D E N T I A L CAIRO 3304

EO 11652: GDS

TAGS: PFOR EG US

SUBJECT: ABROGATION OF EGYPTIAN-SOVIET FRIENDSHIP TREATY

REF: CAIRO 3286 (NOTAL)

1. IMMEDIATELY FOLLOWING SADAT'S RECOMMENDATION TO PEOPLE'S ASSEMBLY THAT TREATY OF FRIENDSHIP AND COOPERATION BETWEEN EGYPT AND USSR OF MAY 27, 1971 BE ABROGATED (REFTEL), ASSEMBLY MET AND DECIDED TO SUBMIT DRAFT LAW PRESENTED BY SADAT TO FOREIGN RELATIONS COMMITTEE. COMMITTEE CONSIDERING THE DRAFT LAW THIS MORNING (MARCH 15) AND WILL REPORT BACK TO ASSEMBLY SAME EVENING.

2. UNOFFICIAL TRANSLATION OF DRAFT LAW SUBMITTED BY SADAT FOLLOWS: "THE PRESIDENT OF THE REPUBLIC, HAVING REFERRED TO THE CONSTITUTION AND TO REPUBLICAN DECREE NO. 884 FOR THE YEAR 1971 AND AFTER THE PEOPLE'S ASSEMBLY APPROVAL, DECREES:

ARTICLE ONE: TERMINATION OF THE TREATY OF FRIENDSHIP AND COOPERATION CONCLUDED BETWEEN THE ARAB REPUBLIC OF EGYPT AND THE USSR AND SIGNED IN CAIRO ON 27TH MAY.

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ARTICLE TWO: THIS LAW IS EFFECTIVE FROM THE DATE OF PROMULGATION."

3. COMMENT: IT IS A FOREGONE CONCLUSION THAT PEOPLE'S ASSEMBLY WILL APPROVE SADAT'S DECISION. PASSAGE, SIGNATURE AND PUBLICATION IN OFFICIAL JOURNAL LIKELY TAKE 10 DAYS. LIMITED PRIVATE AND OFFICIAL EGYPTIAN REACTION WE HAVE RECEIVED THUS FAR IS FAVORABLE.

4. AS DEPARTMENT AWARE, SOVIET-EGYPTIAN TREATY CONTAINS NO RPT NO PROVISION FOR ABROGATION EITHER UNILATERALLY OR BY AGREEMENT. ONLY REFERENCE TO DURATION OF TREATY IS IN ARTICLE II WHICH READS AS FOLLOWS:

" THIS TREATY IS TO REMAIN IN FORCE FOR 15 YEARS STARTING FROM THE DAY OF ITS COMING INTO EFFECT.

"UNLESS EITHER OF THE TWO HIGH CONTRACTING PARTIES DECLARES ITS WISH TO END THE VALIDITY OF THE TREATY ONE YEAR BEFORE THE SET EXPIRY DATE THE TREATY WILL REMAIN IN FORCE FOR THE SUCCEEDING FIVE YEARS. THE SAME IS APPLICABLE TO THIS TERM WHICH WILL BE RENEWED FOR ANOTHER FIVE YEARS UNLESS EITHER OF THE TWO HIGH CONTRACTING PARTIES DECLARES HIS WISH IN WRITING TO TERMINATE IT ONE YEAR PRIOR TO THE NEW EXPIRY DATE."

5. POSSIBLE LEGAL DIFFERENCES OF OPINION OVER VALIDITY OF TREATY IN VIEW OF ABSENCE ANY PROVISION FOR UNILATERAL ABROGATION UNLIKELY TO DETER PEOPLES ASSEMBLY FROM RAPID ACTION. HOWEVER, THIS UNILATERAL ACTION MAY BE USED AGAINST EGYPT IN FUTURE BY ISRAEL OR OTHERS IN ATTEMPT TO WEAKEN EGYPTIAN NEGOTIATING POSITION BY CLAIMING GOE DOES NOT RESPECT SANCTITY OF INTERNATIONAL AGREEMENTS. IN THIS AND PREVIOUS SPEECHES SADAT, OF COURSE, HAS GONE ON AT LENGTH ABOUT SOVIET FAILURE TO LIVE UP TO TREATY. HIS CALL FOR ABROGATION WAS IMMEDIATELY PRECEDED WITH WORDS: "SOVIET LEADERS' CONCEPT OF THE TREATY IS THAT IT BE IMPLEMENTED WHEN THEY WANT AND NOT BE IMPLEMENTED IF THIS WAS THEIR WISH, ALL BASED ON ASSUMPTION THAT THEY ARE THE STRONGER PARTY AND SO THE TREATY IS JUST A PIECE OF PAPER."
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